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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/787,302	02/27/2004	Padakandla Krishna Rao	51085-4 /slb	6560
7380 SMART & BIGGAR P.O. BOX 2999, STATION D 900-55 METCALFE STREET OTTAWA, ON K1P5Y6 CANADA	7590 10/09/2008			
			EXAMINER	
			NGUYEN, TUAN HOANG	
			ART UNIT	PAPER NUMBER
			2618	
			MAIL DATE	DELIVERY MODE
			10/09/2008	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/787,302

Applicant(s)

RAO ET AL.

Examiner

TUAN H. NGUYEN

Art Unit

2618

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 26 August 2008.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-24, 27 and 28 is/are pending in the application.
- 4a) Of the above claim(s) 25 and 26 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-24, 27 and 28 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO/SB-08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

Response to Arguments

1. Applicant's arguments, see applicant's remarks, filed on 08/26/2008, with respect to the rejection(s) of claims 1-24, 27, and 28 under 35 U.S.C § 103(a) have been fully considered and are persuasive. Therefore, the rejection has been withdrawn. However, upon further consideration, a new ground(s) of rejection is made.

Claim Rejections - 35 USC § 112

2. Claim 13, 27, and 28 rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention. The claim limitation "provide the user-device set of at least one provisioned talkgroup identifier upon an event other than talkgroup opt in" was not clearly described in the further detail in the specification.

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 1-6, 9-15, 20-22, 23-24, and 27-28 are rejected under 35 U.S.C. 103(a) as being unpatentable over Dorenbosch et al. (US PUB. 2003/0186716 hereinafter, "Dorenbosch") in view of Toyryla et al. (U.S PAT. 6,999,783 hereinafter "Toyryla").

Consider claim 1, Dorenbosch teaches a user device capable of walkie-talkie-like functionality adapted to participate in dispatch calls through a dispatch network, the user device being further adapted to obtain from the dispatch network a user device specific set of at least one provision talkgroup identifier having a respective provisioned talkgroup identifier for each talkgroup provisioned for the user device (page2 [0022] and page 3 [0027]).

Dorenbosch does not explicitly show that make information pertaining to the provisioned talkgroup identifiers available to a user of the user device.

In the same field of endeavor, Toyryla teaches make information pertaining to the provisioned talkgroup identifiers available to a user of the user device (col. 5 line 35 through col. 6 line 3).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to use, make information pertaining to the provisioned talkgroup identifiers available to a user of the user device, as taught by Toyryla, in order to provide a technically simple method for creating a dynamic group.

Consider claims 2, 14, and 21, Dorenbosch e further teaches the user device is a wireless device (page 3 [0027]).

Consider claim 3, Toyryla further teaches the information pertaining to the provisioned talkgroup identifiers is selected from a group consisting of: the provisioned talkgroup identifiers themselves (col. 9 lines 9-14); a respective corresponding name for each provisioned talkgroup identifier (col. 5 lines 35-42); a combination of some of the provisioned talkgroup identifiers themselves and a respective corresponding name for some of the provisioned talkgroup identifiers (col. 5 lines 43-51).

Consider claim 4, Toyryla further teaches a message generation and processing function adapted to: transmit a first message to the dispatch network to request the respective provisioned talkgroup identifier for each talkgroup provisioned for the user device (col. 3 lines 26-35); and receive at least a second message from the dispatch network containing the provisioned talkgroup identifier(s) (col. 3 lines 56-60).

Consider claim 5, Dorenbosch further teaches the first and second messages are layer 3 messages (page 2 [0022]).

Consider claim 6, Toyryla further teaches a user interface for receiving an input from a user requesting that the first message be transmitted, and in response to which input transmits the first message (col. 9 lines 46-53).

Consider claim 9, Toyryla further teaches adapted to obtain from the network a respective provisioned talkgroup identifier for each talkgroup provisioned for the user device by automatically trying to join each of a plurality of talkgroups that could possibly be provisioned, and maintaining a record of which talkgroups were successfully joined (col. 6 lines 31-44).

Consider claim 10, Toyryla further teaches at least one user device according to claim 2 in combination with the dispatch network adapted to provide to each user device a respective provisioned talkgroup identifier for each talkgroup provisioned for the user device (col. 3 lines 26-40).

Consider claim 11, Toyryla further teaches the dispatch network provides each user device the respective provisioned talkgroup identifiers in response to a request from the user device (col. 11 lines 3-12).

Consider claim 12, Toyryla further teaches in combination with the dispatch network adapted to provide to the at least one user device the respective provisioned talkgroup identifier for each talkgroup provisional for the user device (col. 3 lines 26-40).

Consider claim 13, Dorenbosch teaches a dispatch network adapted to provide dispatch services to user devices capable of walkie-talkie-like functionality (page 3 [0033]), the dispatch network being adapted to provide to each user device a user

device specific set of at least one provision talkgroup identifier having a respective provisioned talkgroup identifier for each talkgroup provisioned for the user device (page2 [0022] and page 3 [0027]).

Dorenbosch does not explicitly show that provide the user-device set of at least one provisioned talkgroup identifier upon an event other than talkgroup opt in.

In the same field of endeavor, Toyryla teaches provide the user-device set of at least one provisioned talkgroup identifier upon an event other than talkgroup opt in (col. 5 line 35 through col. 6 line 3).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to use, provide the user-device set of at least one provisioned talkgroup identifier upon an event other than talkgroup opt in, as taught by Toyryla, in order to provide a technically simple method for creating a dynamic group.

Consider claim 15, Toyryla further teaches a message generation and processing function adapted to: receive a first message from a particular user device requesting the respective provisioned talkgroup identifier for each talkgroup provisioned for the user device (col. 3 lines 26-35); and transmit at least a second message containing the provisioned talkgroup identifier(s) (col. 3 lines 56-60).

Consider claim 20, Dorenbosch teaches a method of provisioned talkgroup discovery comprising: a user device capable of walkie-talkie-like functionality transmitting a request to a dispatch network (page 3 [0033]); the dispatch network

receiving the request and responding with a response containing a user device specific set of at least one provision talkgroup identifier having a respective provisioned talkgroup identifier for each talkgroup provisioned for the user device (page2 [0022] and page 3 [0027]).

Dorenbosch does not explicitly show that the user device receiving the response and making the provisioned talkgroup identifiers available to a user of the user device.

In the same field of endeavor, Toyryla teaches the user device receiving the response and making the provisioned talkgroup identifiers available to a user of the user device (col. 5 line 35 through col. 6 line 3).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to use, the user device receiving the response and making the provisioned talkgroup identifiers available to a user of the user device, as taught by Toyryla, in order to provide a technically simple method for creating a dynamic group.

Consider claim 22, Toyryla further teaches the user device receiving an input from a user in response to which input the request is transmitted (col. 9 lines 46-53).

Consider claim 23, Dorenbosch further teaches the request and response are sent using layer 3 messages (page 2 [0022]).

Consider claim 24, Dorenbosch further teaches the request is a registration request and the response is an enhanced registration accept message (page 3 [0033]).

Consider claim 27, Toyryla teaches the user device is adapted to receive the user-device set of at least one provisioned talkgroup identifier upon an event other than talkgroup opt in (col. 5 lines 35-64).

Consider claim 28, Toyryla further teaches the dispatch network is adapted to provide the user-device set of at least one provisioned talkgroup identifier upon an cvmt other than talkgroup opt in (col. 5 lines 35-64).

5. Claims 7 and 16 are rejected under 35 U.S.C. 103(a) as being unpatentable over Dorenbosch in view of Toyryla and further in view of Stephen Valentine (European Patent No. EP 1 330 138 hereinafter "Valentine").

Consider claim 7, Dorenbosch and Toyryla, in combination, fail to teach adapted to transmit the first message automatically upon being powered.

However, Valentine teaches adapted to transmit the first message automatically upon being powered (col. 7 lines 34-45).

Therefore, it is obvious to one of ordinary skill in the art at the time the invention was made to incorporate the disclosing of Valentine into view of Dorenbosch and Toyryla, in order to provide a communication link in a radio communication system that supports a number of communication cells.

Consider claim 16, Valentine further teaches adapted to transmit a message containing the provisioned talkgroup identifier(s) to a given user device automatically upon power on of the given user device (col. 7 lines 34-45).

6. Claim 8 is rejected under 35 U.S.C. 103(a) as being unpatentable over Dorenbosch in view of Toyryla and further in view of Ericsson, Motorola, Siemens, Nokia companies (Technical Specification Architecture V1.1.1 (2003-10)).

Consider claim 8, Dorenbosch and Toyryla, in combination, fail to teach a user device which is compliant with an iDEN.TM. standard.

However, Ericsson, Motorola, Siemens, Nokia companies teaches a user device which is compliant with an iDEN.TM. standard (page 11 section 5.1).

Therefore, it is obvious to one of ordinary skill in the art at the time the invention was made to incorporate the disclosing of Ericsson, Motorola, Siemens, Nokia companies into view of Dorenbosch and Toyryla, in order to provide user equipment containing the push to talk application client software over cellular phone.

7. Claims 17-19 are rejected under 35 U.S.C. 103(a) as being unpatentable over Dorenbosch in view of Toyryla and further in view of Wolf et al. (U.S PAT. 6,999,783 hereinafter "Wolf").

Consider claim 17, Dorenbosch and Toyryla, in combination, fail to teach a dispatch network comprising a dispatch controller, the dispatch server comprising: a D-HLR (dispatch-home location register) maintaining for each user device a respective list of provisioned talkgroup identifiers; and a DAP (dispatch application processor) adapted to process a first message from a particular user device to request the respective provisioned talkgroup identifier for each talkgroup provisioned for the user device to obtain the provisioned talkgroup identifiers from the D-HLR, and to transmit at least a second message containing the provisioned talkgroup identifier(s).

However, Wolf teaches a dispatch network comprising a dispatch controller, the dispatch server comprising: a D-HLR (dispatch-home location register) maintaining for each user device a respective list of provisioned talkgroup identifiers; and a DAP (dispatch application processor) adapted to process a first message from a particular user device to request the respective provisioned talkgroup identifier for each talkgroup provisioned for the user device to obtain the provisioned talkgroup identifiers from the D-HLR, and to transmit at least a second message containing the provisioned talkgroup identifier(s) (col. 3 lines 10-29).

Therefore, it is obvious to one of ordinary skill in the art at the time the invention was made to incorporate the disclosing of Wolf into view of Dorenbosch and Toyryla, in order to provide a prioritization of the multiple talkgroups.

Consider claim 18, Wolf further teaches at least one EBTS through which messages are routed between user devices and the dispatch application processor (col.

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3 lines 10-29).

Consider claim 19, Wolf further teaches adapted to transmit a message containing the provisioned talkgroup identifier(s) to a given user device automatically whenever there has been a change in the provisioned talkgroup identifier(s) of the given user device (col. 9 lines 9-28).

Conclusion

8. Any response to this action should be mailed to:

Mail Stop_____ (Explanation, e.g., Amendment or After-final, etc.)

Commissioner for Patents

P.O. Box 1450

Alexandria, VA 22313-1450

Facsimile responses should be faxed to:

(571) 273-8300

Hand-delivered responses should be brought to:

Customer Service Window

Randolph Building

401 Dulany Street

Alexandria, VA 22313

Any inquiry concerning this communication or earlier communications from the examiner should be directed to TUAN H. NGUYEN whose telephone number is (571)272-8329. The examiner can normally be reached on 8:00Am - 5:00Pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Maung Nay A. can be reached on (571)272-7882882. The fax phone number for the organization where this application or proceeding is assigned is (571) 273-8300.

Information Consider the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

/Tuan Nguyen/
Examiner
Art Unit 2618

/Nay A. Maung/
Supervisory Patent Examiner, Art
Unit 2618